

## REMARKS

The office action and references cited by the examiner have been carefully considered together with the present application and amendments have been made to more accurately define the present invention and to emphasize pre-existing differences between the invention as claimed and the prior art.

The examiner has rejected claim 12 under 35 U.S.C. 112, second paragraph, as being indefinite. Upon review and consideration, the claim incorrectly identified the receiver rather than the transmitter in the context of the claim. It has been amended to correct the errors.

The examiner has also rejected claims 1-3, 5-6 and 16-18 as being anticipated by Ben-Nun and has rejected claims 7 and 8 under 35 U.S.C. 103 over Ben-Nun and has rejected claims 4 and 9-15 as being unpatentable over Ben-Nun in view of Bennett. It is believed that the independent claims 1, 16 and 17, as amended, are neither anticipated, taught nor suggested by Ben-Nun, applied singularly or in combination with Bennett for the reason that Ben-Nun fails to anticipate, teach or suggest the functionality of the receiver in these claims. More particularly, amended claim 1 is directed to a method which includes the steps of the receiver sending a virtual channel credit packet for a particular virtual channel to the transmitter, said credit packet being indicative that said receiver is available to receive a data packet and having a unique virtual channel number assigned to said particular virtual channel thereto as well as the transmitting responding to said virtual channel credit packet including transmitting a data packet on said assigned unique virtual channel to the to the receiver if a data packet is available.

Ben-Nun does not operate in this manner. As is set forth in column 5, lines 46-51, Ben-Nun's system is stated to operate as follows: "In credit-based ATM flow control, which is described fully with reference to FIG. 4, the credit VCI field (68 and 70) of each arriving ATM cell 60 (of FIG. 3) identifies the transmit virtual circuit (VC) which is given a new credit for transmission from a transmitter to a receiver." This operation therefore has the transmitter identifying the virtual circuit number in which data is to be transmitting which is exactly opposite that which occurs in the method of claim 1. More particularly, in claim 1, the receiver specifies the unique virtual channel number inasmuch as the unique virtual channel number is part of the credit packet that is sent by the receiver to the transmitter. The transmitter operates as follows as set forth in the claim: "The transmitter responding to said virtual channel credit packet including transmitting a data packet on said assigned unique virtual channel to the receiver if a data packet is available."

This operation is therefore different from Ben-Nun in a very important respect. The claimed method is believed to be more efficient than the system of Ben-Nun for the reason that the receiver is the entity which controls the transmission of data and it signals the transmitter that it is available to receive a data packet when it sends a credit packet to the transmitter. By including the unique virtual channel number in the credit packet, it officially specifies the channel identity which the transmitter then uses to transmit a data packet. The quoted language from the Ben-Nun specification requires more steps to issue a credit, define a virtual circuit and transmit a data packet than that of the method of claim 1. Ben-Nun also does not operate on a single credit packet to data packet operation that is set forth in the method

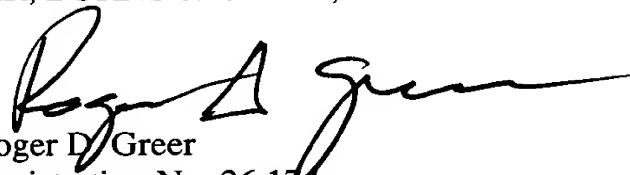
as claimed which is a less complex type of operation than that described with regard to the Ben-Nun system. Clearly, the use of multiple credits enabling a large number of cells to be sent as well as the use of dynamic tools, static tools, active cues, stalled cues and the like greatly increases the complexity of such a system compared to the method of amended claim 1.

Claims 16 and 17 are directed to a system for transmitting data packets and both claims include the recitation that said virtual channel credit packet having a unique virtual channel number assigned to said particular virtual channel, which reflects the significant difference in the operation as has been described with regard to amended claim 1.

Since the dependent claims necessarily incorporate the subject matter of the independent claims from which they depend, in addition to reciting other features and functionality, it is believed that the dependent claims are also in condition for immediately allowance. Reconsideration and allowance of all claims presently pending in the application is respectfully requested.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By   
Roger D. Greer  
Registration No. 26,174

June 9, 2003

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
(312) 360-0080  
Customer No. 24978

F:\Data\Wp60\3417\63665\10001011-1 Amendment A.doc